

Union Calendar No. 268

100TH CONGRESS
1ST SESSION

H. J. RES. 395

[Report No. 100-415]

Making further continuing appropriations for the fiscal year 1988, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29 (second legislative day), 1987

Mr. WHITTEN, by direction of the Committee on Appropriations, reported the following joint resolution; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1988, and for other purposes.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the following sums are hereby appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, and out of
- 5 applicable corporate or other revenues, receipts, and funds,
- 6 for the several departments, agencies, corporations, and other

1 organizational units of the Government for the fiscal year
2 1988, and for other purposes, namely:

3 SEC. 101. (a) Such amounts as may be necessary for
4 programs, projects, or activities at the rate for operations and
5 to the extent and in the manner provided for in H.R. 2763,
6 the Departments of Commerce, Justice, and State, the Judi-
7 ciary, and Related Agencies Appropriations Act, 1988, as
8 passed by the House of Representatives on July 1, 1987.

9 (b) Such amounts as may be necessary for programs,
10 projects, or activities at the rate for operations and to the
11 extent and in the manner provided for in H.R. 3576, the
12 Department of Defense Appropriations Act, 1988, as report-
13 ed to the House of Representatives on October 28, 1987.

14 (c) Such amounts as may be necessary for programs,
15 projects, or activities at the rate for operations and to the
16 extent and in the manner provided for in H.R. 2713, the
17 District of Columbia Appropriations Act, 1988, as passed by
18 the House of Representatives on June 26, 1987.

19 (d) Such amounts as may be necessary for programs,
20 projects, or activities at the rate for operations and to the
21 extent and in the manner provided for in H.R. 2700, the
22 Energy and Water Development Appropriations Act, 1988,
23 as passed by the House of Representatives on June 24,
24 1987.

1 (e) Such amounts as may be necessary for programs,
2 projects, or activities at the rate for operations and to the
3 extent and in the manner provided for in H.R. 3186, the
4 Foreign Operations, Export Financing and Related Programs
5 Appropriations Act, 1988, as reported to the House of Rep-
6 resentatives on August 6, 1987.

7 (f) Such amounts as may be necessary for programs,
8 projects, or activities at the rate for operations and to the
9 extent and in the manner provided for in H.R. 2783, the
10 Department of Housing and Urban Development-Independ-
11 ent Agencies Appropriations Act, 1988, as passed by the
12 House of Representatives on September 22, 1987.

13 (g) Such amounts as may be necessary for programs,
14 projects, or activities at the rate for operations and to the
15 extent and in the manner provided for in H.R. 2712, the
16 Department of the Interior and Related Agencies Appropria-
17 tions Act, 1988, as passed by the House of Representatives
18 on June 25, 1987.

19 (h) Such amounts as may be necessary for programs,
20 projects, or activities at the rate for operations and to the
21 extent and in the manner provided for in H.R. 3058, the
22 Departments of Labor, Health and Human Services, and
23 Education, and Related Agencies Appropriations Act, 1988,
24 as passed by the House of Representatives on August 5,
25 1987.

1 (i) Such amounts as may be necessary for programs,
2 projects, or activities at the rate for operations and to the
3 extent and in the manner provided for in H.R. 2714, the
4 Legislative Branch Appropriations Act, 1988, as passed by
5 the House of Representatives on June 29, 1987.

6 (j) Such amounts as may be necessary for programs,
7 projects, or activities at the rate for operations and to the
8 extent and in the manner provided for in H.R. 2906, the
9 Military Construction Appropriations Act, 1988, as passed by
10 the House of Representatives on July 14, 1987.

11 (k) Such amounts as may be necessary for programs,
12 projects, or activities at the rate for operations and to the
13 extent and in the manner provided for in H.R. 3520, the
14 Rural Development, Agriculture, and Related Agencies
15 Appropriations Act, 1988, as reported to the House of
16 Representatives on October 20, 1987.

17 (l) Such amounts as may be necessary for programs,
18 projects, or activities at the rate for operations and to the
19 extent and in the manner provided for in H.R. 2890, the
20 Department of Transportation and Related Agencies Approp-
21 riations Act, 1988, as passed by the House of Representa-
22 tives on July 13, 1987.

23 (m) Such amounts as may be necessary for programs,
24 projects, or activities at the rate for operations and to the
25 extent and in the manner provided for in H.R. 2907, the

1 Treasury, Postal Service, and General Government Appro-
2 priations Act, 1988, as passed by the House of Representa-
3 tives on July 15, 1987.

4 (n) Such amounts as may be necessary for continuing
5 the following activities, not otherwise provided for in this
6 joint resolution, which were conducted in the fiscal year
7 1987, under the terms and conditions provided in applicable
8 appropriations Acts for the fiscal year 1987, at the current
9 rate: *Provided*, That no appropriation or fund made available
10 or authority granted pursuant to this subsection shall be used
11 to initiate or resume any project or activity for which appro-
12 priations, funds, or authority were not available during fiscal
13 year 1987:

14 activities authorized by the Older Americans Act;
15 dislocated worker assistance programs authorized
16 by title III of the Job Training Partnership Act;

17 activities authorized by titles III, V, X, XVII,
18 XIX, and XX of the Public Health Service Act and
19 the Anti-Drug Abuse Act of 1986;

20 Work Incentives (WIN) activities authorized by
21 title IV of the Social Security Act;

22 child abuse and adoption opportunities activities
23 authorized by the Child Abuse Prevention and Treat-
24 ment Act, as amended, title II of Public Law 95-266,
25 and by sections 402-409 of Public Law 98-473;

1 activities authorized by the Family Violence Pre-
2 vention and Services Act;

3 activities authorized by the Developmental Dis-
4 abilities and Assistance and Bill of Rights Act;

5 activities authorized by the Native American Pro-
6 grams Act;

7 activities of the United States Mint in the Depart-
8 ment of the Treasury; and

9 activities of the White House Conference on Drug
10 Abuse and Control in the Executive Office of the
11 President.

12 SEC. 102. Unless otherwise provided for in this joint
13 resolution or in the applicable appropriations Act, appro-
14 priations and funds made available and authority granted
15 pursuant to this joint resolution shall be available from No-
16 vember 20, 1987, and shall remain available until (a) enact-
17 ment into law of an appropriation for any project or activity
18 provided for in this joint resolution, or (b) enactment of the
19 applicable appropriations Act by both Houses without any
20 provision for such project or activity, or (c) September 30,
21 1988, whichever first occurs.

22 SEC. 103. Appropriations made and authority granted
23 pursuant to this joint resolution shall cover all obligations or
24 expenditures incurred for any program, project, or activity

1 during the period for which funds or authority for such
2 project or activity are available under this joint resolution.

3 SEC. 104. Expenditures made pursuant to this joint res-
4 olution shall be charged to the applicable appropriation, fund,
5 or authorization (including a continuing appropriation for the
6 full year) whenever a bill in which such applicable appropria-
7 tion, fund, or authorization (including a continuing appropria-
8 tion for the full year) is contained is enacted into law.

9 SEC. 105. Section 1515 of title 31 of the United States
10 Code is amended by striking subsection (a) and inserting in
11 lieu thereof the following: “(a) An appropriation required to
12 be apportioned under section 1512 of this title may be appor-
13 tioned on a basis that indicates the need for a deficiency or
14 supplemental appropriation to the extent necessary to permit
15 payment of such pay increases as may be granted pursuant to
16 law to civilian officers and employees (including prevailing
17 rate employees whose pay is fixed and adjusted under sub-
18 chapter IV of chapter 53 of title 5) and to retired and active
19 military personnel.”.

20 SEC. 106. The provisions of appropriations Acts within
21 the purview of this joint resolution, and the provisions of ap-
22 propriations Acts within the purview of the following joint
23 resolutions making continuing appropriations (section 101(c)
24 of Public Law 96-86 (93 Stat. 657), section 101(f) of Public
25 Law 98-151 (97 Stat. 973), section 101(b) of Public Law

1 98-473 (98 Stat. 1837), section 101 (a) and (c) of Public
2 Law 99-190 (99 Stat. 1185, 1224), and section 101 (g), (i),
3 and (l) of Public Laws 99-500 and 99-591 (100 Stat. 1783-
4 242, 1783-287, 1783-308, 3341-242, 3341-287, 3341-
5 308)), shall (to the extent and in the manner specified in
6 the pertinent section of any such joint resolution) be effective
7 as if enacted into law. Those provisions are effective on the
8 date of enactment of the pertinent joint resolution except to
9 the extent a different effective date is specified in the joint
10 resolution or pertinent appropriations Act.

11 SEC. 107. Amounts and authorities provided by this res-
12 olution shall be in accordance with the reports accompanying
13 the bills as passed by or reported to the House.

14 SEC. 108. In addition to any sums otherwise provided
15 herein, there is appropriated \$500,000 to the United States
16 Information Agency, "Educational and Cultural Exchange
17 Programs", which shall be made available to the Seattle
18 Goodwill Games Organizing Committee for cultural ex-
19 changes of persons and other exchange-related activities as-
20 sociated with the Goodwill Games to be held in 1990 in
21 Seattle, Washington.

22 SEC. 109. Section 210(d) of the Immigration and Na-
23 tionality Act is amended by inserting the following new
24 paragraph:

1 “(3) No application fees collected by the Immigra-
2 tion and Naturalization Service (INS) pursuant to sec-
3 tion 210(b) of the Immigration and Nationality Act
4 (INA) may be used by the INS to offset the costs of
5 the special agricultural worker legalization program
6 until the INS implements the program consistent with
7 the statutory mandate as follows:

8 “(A) During the application period as defined
9 in section 210(a)(1)(A) of the INA the INS shall
10 not exclude from entry or deport any alien and
11 shall grant, where applicable, admission to the
12 United States, work authorization, and provide an
13 “employment authorized” endorsement or other
14 appropriate work permit to any alien who pre-
15 sents a nonfrivolous application for adjustment of
16 status subsection (a).

17 “(B) During the application period as defined
18 in section 210(a)(1)(A) of the INA the INS shall
19 permit any alien who presents a nonfrivolous ap-
20 plication for adjustment of status under subsection
21 (a) to file an application for adjustment of status
22 within the United States as provided for in section
23 210(b)(1)(B) or outside the United States as pro-
24 vided for in section 210(b)(1)(B) and, specifically,

1 under the procedures contained in 8 CFR
2 § 210.6.

3 “(C) ‘Nonfrivolous’ application is defined as a
4 declaration by the alien under penalty of perjury
5 that the alien has in fact worked the required
6 number of man-days, that identifies the type or
7 nature of documentation the alien intends to later
8 produce in conjunction with a complete applica-
9 tion, that identifies current or immediate past
10 employer(s), if known and that acknowledges that
11 false statements concerning eligibility constitute a
12 violation of title 18, United States Code, and/or
13 as an application defined in 8 CFR § 210.6(c).”.

14 SEC. 110. No funds appropriated in this or any other
15 Act may be used to deport or otherwise require departure
16 from the United States of an alien who either is the spouse of
17 a legalized person through a marriage entered into before
18 November 6, 1986, or was the child of a legalized person as
19 of November 6, 1986: *Provided*, That the terms “child” and
20 “spouse” have the meanings given such terms in section 101
21 of the Immigrant and Nationality Act, and the term “legal-
22 ized person” means an alien who has been granted lawful
23 resident status under section 210 or 245A of the Immigration
24 and Nationality Act.

1 SEC. 111. In addition to any sums provided under this
2 joint resolution, there is appropriated \$1,000,000 to the
3 Commission on the Bicentennial of the Constitution for a
4 grant to the We The People 200 Committee.

5 SEC. 112. None of the funds made available under this
6 joint resolution or any subsequent appropriations Act for
7 fiscal year 1988 for the Small Business Administration shall
8 be used for the implementation of section 921 of Public Law
9 99-661 and section 921 of Public Law 99-591 prior to Sep-
10 tember 30, 1988.

11 SEC. 113. The Secretary of the Army, acting through
12 the Chief of Engineers, is directed to continue with planning,
13 design, engineering and construction of the Des Moines Rec-
14 reational River and Greenbelt project in accordance with the
15 General Design Memorandum dated September 1987 and
16 Public Law 99-591 using funds heretofore, herein, or here-
17 after appropriated.

18 SEC. 114. PROJECT MODIFICATION.—The project for
19 flood protection on the Lower San Joaquin River, California,
20 authorized by section 10 of the Flood Control Act approved
21 December 22, 1944 (58 Stat. 901), is modified—

22 (1) to authorize the Secretary of the Army, acting
23 through the Chief of Engineers, to perform, in connec-
24 tion with the clearing and snagging authorized to be
25 performed on such river from Stockton, California, to

1 Friant Dam as part of such project by the Supplemen-
2 tal Appropriations Act, 1983 (97 Stat. 310)—

3 (A) clearing and snagging in the area of the
4 North Fork of the Kings River in Mendota Pool
5 from the southernly boundary of the James Recla-
6 mation District Number 1606 to Mendota Dam;

7 (B) fish and wildlife mitigation; and

8 (C) such rip-rapping in the area of the clear-
9 ing and snagging on such rivers as may be neces-
10 sary to prevent erosion from such clearing and
11 snagging; and

12 (2) to increase the estimated cost of the clearing
13 and snagging on the Lower San Joaquin River, includ-
14 ing the activities authorized by paragraph (1), from
15 \$5,000,000 to \$8,000,000.

16 SEC. 115. Notwithstanding any other provision of law,
17 none of the funds appropriated under this Act or any other
18 Act shall be used by the Department of the Interior to imple-
19 ment a reorganization of the Bureau of Reclamation.

20 SEC. 116. (A) The McGee Creek Project of the Bureau
21 of Reclamation shall not be deemed completed until such
22 time as construction of all authorized components of the
23 project are completed, including access roads and recreation
24 areas.

1 (B) The Bureau of Reclamation shall not transfer title of
2 the project to any other entity or require repayment of the
3 project or permit refinancing of the project until such time as
4 the project is completed according to the terms of (A) above.

5 SEC. 117. From within funds available for Energy
6 Supply, Research and Development Activities, \$8,500,000
7 shall be made available as a grant for the Loma Linda Uni-
8 versity Medical Center Proton-Beam Demonstration Cancer
9 Treatment Center and shall remain available until expended.

10 SEC. 118. From within funds available for Energy
11 Supply, Research and Development Activities, \$2,000,000
12 shall be made available as a grant for the Center for Physical
13 and Environmental Science at East Central University, Ada,
14 Oklahoma, and shall remain available until expended.

15 SEC. 119. The Federal Energy Regulatory Commission
16 is authorized to extend the time period required for com-
17 mencement of construction of Project No. 4506 for an addi-
18 tional two years upon application by the licensee to the Fed-
19 eral Energy Regulatory Commission if the Federal Energy
20 Regulatory Commission determines that an additional exten-
21 sion is warranted under the standard set forth in section 13 of
22 the Federal Power Act and is in the public interest, taking
23 into consideration the comprehensive review requirements of
24 the Federal Power Act.

1 (RESCISSION)

2 SEC. 120. Of the funds made available in fiscal years
3 1985 and 1986 for expenses necessary to enable the Presi-
4 dent to carry out the provisions of section 23 of the Arms
5 Export Control Act, \$64,000,000 which was allocated for
6 the Republic of Korea and which remains as uncommitted
7 balances is rescinded.

8 SEC. 121. In addition to the provisions of section 101(e)
9 for Foreign Operations, Export Financing and Related Pro-
10 grams Appropriations Act, 1988 insert the following:

11 “(a)(1) Notwithstanding any numerical limitations speci-
12 fied in the Immigration and Nationality Act, the Attorney
13 General may admit aliens described in section (b) to the
14 United States as immigrants if—

15 “(A) they are admissible (except as otherwise pro-
16 vided in paragraph (2)) as immigrants, and

17 “(B) they are issued an immigrant visa and depart
18 from Vietnam during the 2-year period beginning 90
19 days after the date of the enactment of this Act.

20 “(2) The provisions of paragraphs (14), (15), (20), (21),
21 (25), and (32) of section 212(a) of the Immigration and Na-
22 tionality Act shall not be applicable to any alien seeking ad-
23 mission to the United States under this section, and the At-
24 torney General on the recommendation of a consular officer
25 may waive any other provision of such section (other than

1 paragraph (27), (29), or (33) and other than so much of para-
2 graph (23) as relates to trafficking in narcotics) with respect
3 to such an alien for humanitarian purposes, to assure family
4 unity, or when it is otherwise in the public interest. Any such
5 waiver by the Attorney General shall be in writing and shall
6 be granted only on an individual basis following an investiga-
7 tion by a consular officer.

8 “(3) Notwithstanding section 221(c) of the Immigration
9 and Nationality Act, immigrant visas issued to aliens under
10 this section shall be valid for a period of 8 months.

11 “(b)(1) An alien described in this subsection is an alien
12 who, as of the date of the enactment of this Act, is residing in
13 Vietnam and who establishes to the satisfaction of a consular
14 officer or an officer of the Immigration and Naturalization
15 Service after a face-to-face interview, that the alien—

16 “(A)(i) was born in Vietnam after January 1,
17 1962, and before January 1, 1976, and (ii) was fa-
18 thered by a citizen of the United States (such an alien
19 in this subsection referred to as a ‘principal alien’);

20 “(B) is the spouse or child of a principal alien and
21 is accompanying, or following to join, the principal
22 alien; or

23 “(C) subject to paragraph (2), either (i) is the
24 principal alien’s natural mother (or is the spouse or
25 child of such mother), or (ii) has acted in effect as the

1 principal alien's mother, father, or next-of-kin (or is the
2 spouse or child of such an alien), and is accompanying,
3 or following to join, the principal alien.

4 “(2) An immigrant visa may not be issued to an alien
5 under paragraph (1)(C) unless the principal alien involved is
6 unmarried and the officer referred to in paragraph (1) has
7 determined, in the officer's discretion, that (A) such an alien
8 has a bona fide relationship with the principal alien similar to
9 that which exists between close family members and (B) the
10 admission of such an alien is necessary for humanitarian pur-
11 poses or to assure family unity. If an alien described in para-
12 graph (1)(C)(ii) is admitted to the United States, the natural
13 mother of the principal alien involved shall not, thereafter, be
14 accorded any right, privilege, or status under the Immigra-
15 tion and Nationality Act by virtue of such percentage.

16 “(3) For purposes of this subsection, the term ‘child’ has
17 the meaning given such term in section 101(b)(1) (A), (B),
18 (C), (D), and (E) of the Immigration and Nationality Act.

19 “(c) Any alien admitted (or awaiting admission) to the
20 United States under this section shall be eligible for benefits
21 under chapter 2 of title IV of the Immigration and National-
22 ity Act to the same extent as individuals admitted (or await-
23 ing admission) to the United States under section 207 of such
24 Act are eligible for benefits under such chapter.

1 “(d) The Attorney General, in cooperation with the Sec-
2 retary of State, shall report to Congress 1 year, 2 years, and
3 3 years, after the date of the enactment of this Act on the
4 implementation of this section. Each such report shall include
5 the number of aliens who are issued immigrant visas and who
6 are admitted to the United States under this Act and number
7 of waivers granted under subsection (a)(2) and the reasons for
8 granting such waivers.

9 “(e) Except as otherwise specifically provided in this
10 section, the definitions contained in the Immigration and Na-
11 tionality Act shall apply in the administration of this section
12 and nothing contained in this section shall be held to repeal,
13 amend, alter, modify, effect, or restrict the powers, duties,
14 functions, or authority of the Attorney General in the admin-
15 istration and enforcement of such Act or any other law relat-
16 ing to immigration, nationality, or naturalization. The fact
17 that an alien may be eligible to be granted the status of
18 having been lawfully admitted for permanent residence under
19 this section shall not preclude the alien from seeking such
20 status under any other provision of law for which the alien
21 may be eligible.”.

22 SEC. 122. Section 17(d)(4)(G) of the United States
23 Housing Act of 1937 is amended by striking “36 months”
24 and inserting “48 months”.

1 SEC. 123. Any cooperative bank established under the
2 law of any State which was directed by the State banking
3 authority of such State to obtain Federal deposit insurance
4 between January 1, 1985, and January 1, 1987, shall be
5 deemed to be an insured institution described in section
6 21(f)(4)(F) of the Federal Home Loan Bank Act.

7 SEC. 124. No funds shall be expended for the purposes
8 of preparing necessary documentation for and issuance of a
9 special use authorization permitting land use and occupancy
10 and surface disturbing activities for any project to be con-
11 structed on Lewis Fork Creek in Madera County, California,
12 at the site above, and adjacent to, Corlieu Falls bordering the
13 Lewis Fork Creek National Recreation Trail until both of the
14 following conditions are met:

15 (1) A joint study is completed and submitted to
16 the Congress by the United States Forest Service and
17 the California Department of Parks and Recreation re-
18 garding the project's impact on the aesthetics of Cor-
19 lieu Falls, together with a finding that the Lewis Fork
20 Creek project will not substantially impact the flow at
21 Corlieu Falls.

22 (2) A study is completed and submitted to the
23 Congress by the United States Forest Service concern-
24 ing the project's impact on the Chukchansi Indian

1 Tribe, together with a finding that there will be no
2 impact on the tribe's adjacent sacred hot springs.

3 SEC. 125. Hereafter, the Secretary of Agriculture is au-
4 thorized, except for urban rodent control, to conduct activi-
5 ties and to enter into agreements with States, local jurisdic-
6 tions, individuals, and public and private agencies, organiza-
7 tions, and institutions in the control of nuisance mammals
8 and birds and those mammal and bird species that are reser-
9 voirs for zoonotic diseases, and to deposit any money collect-
10 ed under any such agreement into the appropriation accounts
11 that incur the costs to be available immediately and to
12 remain available until expended for Animal Damage Control
13 activities.

14 SEC. 126. Section 144(g)(2) of title 23, United States
15 Code, shall not apply to the Virginia Street Bridge in
16 Charleston, West Virginia.

17 SEC. 127. For 80 percent of the expenses necessary to
18 carry out a highway bypass project in the vicinity of Petos-
19 key, Michigan, that demonstrates methods of improving eco-
20 nomic development and regional transportation, there is au-
21 thorized to be appropriated \$28,000,000, to remain available
22 until expended, of which \$500,000 is hereby appropriated, to
23 remain available until expended: *Provided*, That all funds ap-
24 propriated under this head shall be exempt from any limita-

1 tion on obligations for Federal-aid highways and highway
2 safety construction programs.

3 SEC. 128. Funds made available to the United States
4 Postal Service pursuant to section 2401(a) of title 39, United
5 States Code, shall be used hereafter to continue full postal
6 service to the people of Holly Springs proper, including up-
7 grading, remodeling, and improving the United States Post
8 Office building located at 110 North Memphis Street, Holly
9 Springs, Mississippi.

10 SEC. 129. (a) None of the funds made available by this
11 or any other Act with respect to any fiscal year may be used
12 to make a contract for the manufacture of distinctive paper
13 for United States currency and securities pursuant to section
14 5114 of title 31, United States Code, with any corporation or
15 other entity owned or controlled by persons not citizens of
16 the United States, or for the manufacture of such distinctive
17 paper outside of the United States or its possessions. This
18 subsection shall not apply if the Secretary of the Treasury
19 determines that no domestic manufacturer of distinctive
20 paper for United States currency or securities exists with
21 which to make a contract and if the Secretary of the Treas-
22 ury publishes in the Federal Register a written finding stat-
23 ing the basis for the determination.

24 (b) None of the funds made available by this or any
25 other Act with respect to any fiscal year may be used to

1 procure paper for passports granted or issued pursuant to the
 2 first section of the Act entitled “An Act to regulate the issue
 3 and validity of passports, and for other purposes”, approved
 4 July 3, 1926 (22 U.S.C. 211a), if such paper is manufactured
 5 outside of the United States or its possessions or is procured
 6 from any corporation or other entity owned or controlled by
 7 persons not citizens of the United States. This subsection
 8 shall not apply if no domestic manufacturer for passport
 9 paper exists.

10 SEC. 130. INTEREST ON BACK PAY FOR FEDERAL
 11 EMPLOYEES.—(a) IN GENERAL.—Section 5596(b) of title 5,
 12 United States Code, is amended—

13 (1) by redesignating paragraphs (2) and (3) as
 14 paragraphs (3) and (4), respectively; and

15 (2) by adding after paragraph (1) the following:

16 “(2)(A) An amount payable under paragraph
 17 (1)(A)(i) of this subsection shall be payable with
 18 interest.

19 “(B) Such interest—

20 “(i) shall be computed for the period begin-
 21 ning on the effective date of the withdrawal or re-
 22 duction involved and ending on a date not more
 23 than 30 days before the date on which payment is
 24 made;

1 “(ii) shall be computed at the rate or rates in
2 effect under section 6621(a)(1) of the Internal
3 Revenue Code of 1986 during the period de-
4 scribed clause (i); and

5 “(iii) shall be compounded daily.

6 “(C) Interest under this paragraph shall be paid
7 out of amounts available for payments under paragraph
8 (1) of this subsection.”.

9 (1) GENERALLY.—Except as provided in para-
10 graph (2), the amendments made by subsection (a) shall
11 take effect on the date of the enactment of this Act,
12 and shall apply with respect to any employee found, in
13 a final judgment entered or a final decision otherwise
14 rendered on or after such date, to have been the sub-
15 ject of an unjustified or unwarranted personnel action,
16 the correction of which entitles such employee to an
17 amount under section 5596(b)(1)(A)(i) of title 5, United
18 States Code.

19 (2) EXCEPTION.—

20 (A) CASES IN WHICH A RIGHT TO INTER-
21 EST WAS RESERVED.—The amendments made by
22 subsection (a) shall also apply with respect to any
23 claim which was brought under section 5596 of
24 title 5, United States Code, and with respect to
25 which a final judgment was entered or a final de-

1 cision otherwise rendered before the date of the
2 enactment of this Act, if, under terms of such
3 judgment or decision, a right to interest was spe-
4 cifically reserved, contingent on the enactment of
5 a statute authorizing the payment of interest on
6 claims brought under such section 5596.

7 (B) METHOD OF COMPUTING INTEREST.—

8 The amount of interest payable under this para-
9 graph with respect to a claim shall be determined
10 in accordance with section 5596(b)(2)(B) of title 5,
11 United States Code (as amended by this section).

12 (C) SOURCE.—An amount payable under this
13 paragraph shall be paid from the appropriation
14 made by section 1304 of title 31, United States
15 Code, notwithstanding section 5596(b)(2)(C) of
16 title 5, United States Code (as amended by this
17 section) or any other provision of law.

18 (D) DEADLINE.—An application for a pay-
19 ment under this paragraph shall be ineffective if it
20 is filed after the end of the 1-year period begin-
21 ning on the date of the enactment of this Act.

22 SEC. 131. The Administrator of the General Services
23 Administration shall initiate the planning process necessary
24 to design and construct a facility for the Social Security Ad-

1 ministration in Wilkes-Barre, Pennsylvania, pursuant to sec-
2 tion 115 of Public Law 99-591.

3 SEC. 132. PAY INCREASE FOR FEDERAL EMPLOY-
4 EES.—(a) 3 PERCENT INCREASE.—Notwithstanding any
5 other provision of law, in the case of fiscal year 1988, the
6 overall percentage of the adjustment under section 5305 of
7 title 5, United States Code, in the rates of pay under the
8 General Schedule, and in the rates of pay under the other
9 statutory pay systems, shall be an increase of 3 percent.

10 (b) EFFECTIVE DATE.—Each increase in a pay rate or
11 schedule which takes effect pursuant to subsection (a) shall,
12 to the maximum extent practicable, be of the same percent-
13 age, and shall take effect as of the first day of the first appli-
14 cable pay period beginning on or after January 1, 1988.

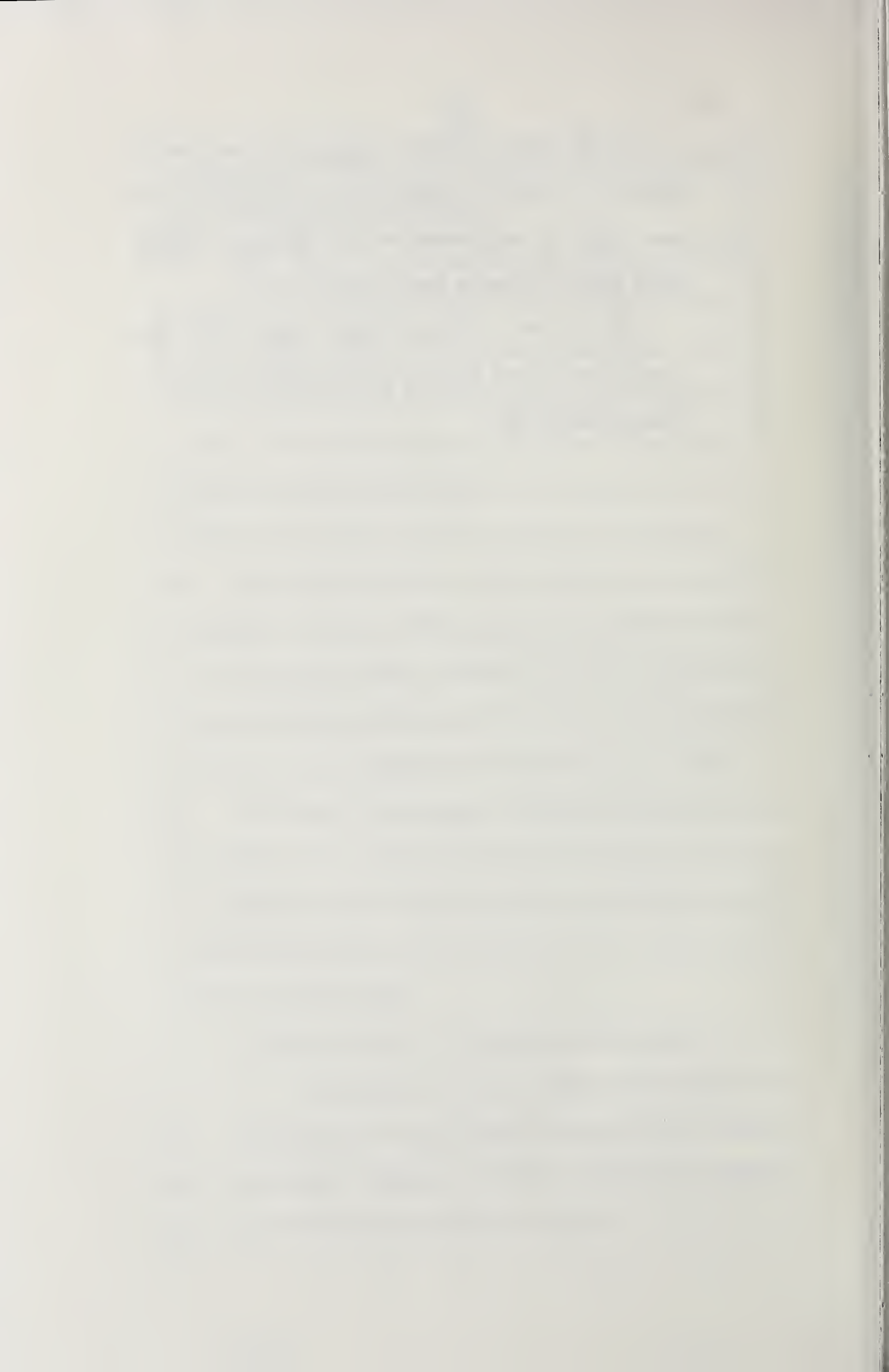
15 (c) FUNDING LIMITATION.—Notwithstanding any other
16 provision of law, amounts appropriated in order to provide for
17 the adjustment described in subsection (a) in fiscal year 1988
18 shall cover not to exceed 35 percent of the increase in total
19 pay for such fiscal year.

20 (d) DEFINITIONS.—For purposes of this section—

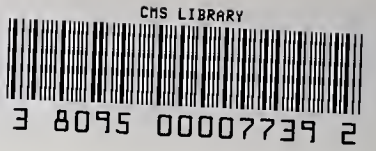
21 (1) the term “total pay” means, with respect to a
22 fiscal year, the total amount of basic pay which will be
23 payable to employees covered by statutory pay systems
24 for service performed during such year;

1 (2) the term "increase in total pay" means, with
2 respect to a fiscal year, that part of total pay for such
3 year which is attributable to the adjustment taking
4 effect under this section during such year; and

5 (3) the term "statutory pay system" has the
6 meaning given such term by section 5301(c) of title 5,
7 United States Code.



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Union Calendar No. 268

100TH CONGRESS
1ST SESSION

H. J. RES. 395

[Report No. 100-415]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal
year 1988, and for other purposes.

OCTOBER 29 (second legislative day), 1987

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed